

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 10, 2002
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
19925 TWENTY-THREE MILE ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE E. MALBURG, TREASURER

TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
KENNETH MEERSCHAERT, JR.
CHARLES OLIVER

Also in attendance Lawrence Dloski, Township Attorney
James Van Tiflin, Spalding DeDecker & Associates
(Attendance record on file with Clerk.)

ABSENT: NONE

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Clerk KOEHS called roll. All present

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA ITEMS.

Additions:

- 28a. Request permission to Authorize Legal Counsel to defend the Township in Biondo v Macomb Township.
- 28b. Adoption of Resolution; Notice of Intent to Bond; Water/Sewer 23 Mile Road.

Tabled:

- 7. Tentative Preliminary Plat; Belmont Farms Subdivision; Mar Farms Limited, Petitioner.

Deletions:

- 25. Approval of Purchase Requisition; SLC Meter Service.
- 26. Request to Award Contract to Mow Township Park Properties.

Executive Session:

- 27. Macomb v Benzel

MOTION by DUNN seconded by MALBURG to approve agenda as amended.

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MOTION carried.

4. APPROVAL OF BILLS.

MOTION by DUNN seconded by OLIVER to authorize payment of bills as submitted.

MOTION carried.

5. APPROVAL OF MEETING MINUTES

Trustee DUNN requested that the motion for Agenda Item No.11 include the following: that the developer pay for road improvements to Mapleton Drive as stated in letter of request.

MOTION by DUNN seconded by MALBURG to approve minutes of March 27, 2002 as amended.

MOTION carried.

6. Public Comments (Non Agenda items only – 3 minutes time limit)

Public discussion was held requesting a review of the Township Ordinance in regards to residential garbage and trailer parking.

PLANNING COMMISSION:

7. Tentative Preliminary Plat; Belmont Farms Subdivision (57 lots); Located south of 23 Mile Road and approximately 1533 feet east of Card Road; Section 23. Mar Farms Limited, Petitioner. Permanent Parcel No. 08-23-100-011.

Tabled as requested by the petitioner.

8. Tentative Preliminary Plat; Westminster Subdivision (495 lots); Located north of 22 Mile Road and ¼ mile east of Hayes Road; Section 19. Grand Sakwa Macomb Airport, Petitioner. Permanent Parcel No. 08-19-200-012.

Larry Dloski, Township Attorney, stated that a motion had been filed from the developer against the Township in regards to the review of the proposed plat. Mr. Dloski informed the Board that as of today's proceedings, the results of the motion was to find that the Township had done absolutely nothing wrong in the review of the plat.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to deny the request for the following reason:

1. The plat does not meet the provisions of the Land Division and Zoning Ordinance.

Petitioners Representative: Richard Sable, Legal Counsel, requested that the matter be tabled.

Discussion was held regarding the applying for variances.

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MOTION by OLIVER seconded by MEERSCHAERT to table the matter at the petitioners request.

MOTION carried.

9. Variance Request; Land Division Regulations; Rockwood Subdivision No. 3; Located 330 feet north of 21 Mile and approximately 120 feet east of Rockwood Drive; Section 28. Rocco Galati, Petitioner. Permanent Parcel No. 08-28-376-008.

Mr. Bernard Lynden, Planning Consultant, reviewed the request to allow the development of the Subdivision without providing a stub street to the excluded frontage on 21 Mile Road and stated the recommendation of the Planning Commission to approve.

Petitioners Representative: Nancy Kolinski

Public Portion: None

MOTION by OLIVER seconded by MALBURG to grant the variance to allow the development of the Subdivision without providing a stub street to the excluded frontage on 21 Mile Road.

MOTION carried.

10. Rezoning Request; R-1-S (Residential One Family Suburban) to C-2 (General Commercial District); Located on the southeast corner of 23 Mile Road and Romeo Plank Road; Section 20. Gino Morelli, Petitioner. Permanent Parcel No. 08-20-200-039 & 040. (Tabled from the meeting of March 27, 2002).

Supervisor BRENNAN stated that a document had been received by the petitioners Legal Counsel and had been dispersed to the Board.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to deny for the following reasons:

1. The proposal does not meet the goals of the Master Plan.
2. The rezoning would adversely impact the residential properties to the south and west across Romeo Plank Road.

Petitioners Representative: Bob Kirk, Legal Counsel

Public Portion: None

Supervisor BRENNAN reviewed the zoning of the surrounding property and documents submitted by the petitioners Legal Counsel.

Larry Dloski, Township Attorney, stated his opinion in review of the request and zoning of surrounding property.

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Board discussion was held regarding the size and amount of wetlands located within the parcel, the effect the rezoning will have on the area in regards to traffic flow and the recommendation of the Planning Commission.

MOTION by DUNN seconded by BUCCI in view of the Attorneys opinion move to grant the rezoning as requested.

MOTION carried.

NEW BUSINESS:

11. Ground Lease Agreement with Cingular Wireless; Co-location on existing tower located at Fire Station No. 2.

Larry Dloski, Township Attorney, reviewed the proposed lease agreement.

Petitioner Present: Steven Wells of Cingular Wireless

Board discussion was held regarding the co-location on the existing tower and the proposed design of the requesting building at site at Fire Station No.2.

Public Portion: None

MOTION by OLIVER seconded by DUNN to enter into the agreement and authorize the Township Supervisor to sign the ground lease subject to Cingular Wireless signing the pole lease and paying the required compensation to Macomb Township for both the pole lease and the ground lease.

MOTION carried.

12. Variance from the Engineering Design Standards; Tiffany Office; Located south of 23 Mile Road and approximately 400 feet east of Hayes Road; Section 19. Lehner Associates, Petitioner.

Supervisor BRENNEN reviewed the letter submitted by the petitioner stating its request for a temporary variance from the engineering design standards for storm water storage to allow parking lot storage as opposed to a detention pond until the adjacent property is developed. Mr. Brennan stated the recommendation of the Township Engineers to approve the variance on a temporary basis.

Petitioner Present: Tom Kellogg of Lehner & Associates

Board discussion was held regarding the length of time before the adjacent property was developed.

Jim VanTiflen, Township Engineer, reviewed the status of the site and adjacent property in regards to the future hookup of the storm sewer.

Public Portion: None

MOTION by MEERSCHAERT seconded by MALBURG to grant the temporary variance from the Engineering Design Standards for the Tiffany Office Center.

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MOTION carried.

13. Clean-Up; Property Located at the northeast corner of 21 Mile Road and Heydenreich Road. Lombardo Companies, Petitioner.

Clerk KOEHS, reviewed the history behind the request.

Supervisor BRENNAN reviewed detailed activity on the site that had been done without Township approval which therefore, led up to the request currently before the Board.

Petitioner Present: Rich Hodsdon of Lombardo Companies

Public Portion: None

Bob Beckett, Building Official, reviewed his recommendation submitted on the matter based upon the Agricultural Zoning of the property.

Board discussion was held regarding testing of the site and specifics of the request.

Larry Dloski, Township Attorney, stated his recommendation to the Board.

MOTION by OLIVER seconded by DUNN to allow the clean up for a period of 30 days, contingent upon a Five Thousand Dollars (\$5,000.00) surety bond be posted to insure the work is done in a timely manner, and that stumps will be trucked off the site with no further grinding will be done.

MOTION carried.

BUILDING DEPARTMENT:

14. Request to Hire Full Time Employee; Building Inspector Level II.

Bob Beckett, Building Official, reviewed the request to fill the vacant position to hire a Building Inspector up to a Level II.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to approve the request to hire a Full Time Building Inspector up to a Level II for the Building Department.

MOTION carried.

FIRE DEPARTMENT:

15. Request to purchase Outdoor Warning Siren System.

Supervisor BRENNAN reviewed the request and the study prepared by Assistant Chief Meerschaert for a system which would serve the entire Township.

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Board discussion was held regarding, funding, the number of sirens located throughout the township, testing, and how and who could turn on the system when needed.

Numerous residents addressed the Board stating there support of the system and discussion was held regarding if a maintenance agreement was required.

Board discussion was held regarding the current decrease of cost for the proposed system in comparison to costs submitted for such a system 5 years ago.

MOTION by OLIVER seconded by DUNN to move forward and purchase the Outdoor Warning System from West Shore Services, Inc., for the total cost of Two Hundred Sixty Two Thousand Six Hundred Seventy Dollars and 00/100 (\$262,670.00).

MOTION carried.

WATER/SEWER DEPARTMENT:

16. Easement Encroachment Request, Brain and Marie Schade, 15622 Tranquil Drive, Macomb, MI 48042, Lot 106, Pine Pointe Subdivision.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by DUNN seconded by MALBURG to grant an Easement Encroachment Agreement for a pool for Lot #106; 15622 Tranquil Drive located within the Pine Pointe Subdivision.

MOTION carried.

17. Easement Encroachment Request, Thomas and Kimberly Ziegler, 15618 Aspen Drive, Macomb, MI 48044, Lot 40, Breckenridge Village Subdivision.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by MEERSCHAERT seconded by BUCCI to grant an Easement Encroachment Agreement for a pool for Lot #40; 15618 Aspen Drive Located within the Breckenridge Village Subdivision.

MOTION carried.

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18. Easement Encroachment Request, Donald and Angela Zagorski, 47422 Star Valley Drive, Macomb, MI 48044, Lot 182, South Fork Estates Subdivision No.2.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by MALBURG seconded by DUNN to grant an Easement Encroachment Agreement for a pool for Lot #182; 47422 Star Valley Drive located within the South Fork Estates Subdivision No. 2.

MOTION carried.

19. Easement Encroachment Request, Benjamin and Jennifer Ostrowski, 19322 Lamplighter Trail, Macomb, MI 48044, Lot 193, Beacon Square Subdivision No.2.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a fence and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Bob Beckett, Building Official, stated his recommendation to approve.

Public Portion: None

MOTION by BUCCI seconded by MEERSCHAERT to grant an Easement Encroachment Agreement for a fence for Lot #193; 19322 Lamplighter Trail with the Beacon Square Subdivision No. 2.

MOTION carried.

20. Change Order No.2, Section 36 Water Main Rehabilitation, MA 98-27, C & P Construction Co., Inc.

David Koss, Water/Sewer Superintendent, reviewed the request and stated the change order is the result of changes due to field conditions differing from anticipated.

Public Portion: None

MOTION by OLIVER seconded by DUNN to approve Change Order No.2, Section 36 Water Main Rehabilitation; MA 98-27; C & P Construction in the amount of Three Thousand Six Hundred Six Dollars and 56/100 (\$3,606.56).

MOTION carried.

21. Pay Certificate No.4, (Final) Section 36 Water Main Rehabilitation, MA 98-27, C & P Construction Co., Inc.

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David Koss, Water/Sewer Superintendent, stated his office and the Township Engineers of Spalding DeDecker & Assoc. had reviewed the pay certificate and were recommending approval.

Public Portion: None

MOTION by DUNN seconded by OLIVER to authorize the payment of Pay Certificate No.4 (Final), Section 36 Water Main Rehabilitation; MA 98-27; C & P Construction Co., Inc. in the total amount of Eight Thousand Six Hundred Six Dollars and 56/100 (\$8,606.56).

MOTION carried.

22. Request to purchase Mobile File Units.

David Koss, Water/Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant the request to purchase four (4) file units from Steel Equipment Company for the total amount of Two Thousand Five Hundred Ninety Six Dollars and 00/100 (\$2,596.00).

MOTION carried.

23. Request to purchase materials for Water/Sewer Building.

David Koss, Water/Sewer Superintendent, reviewed the request and stated the materials is to enclose the front road ditch along Card Road in front of the Water/Sewer Building in accordance with Macomb County Road Commissions standards.

Public Portion: None

MOTION by OLIVER seconded by MALBURG to grant the request to purchase materials for the Water/Sewer Building ditch enclosure along Card Road for the total cost of Five Thousand Two Hundred Fifty Dollars and 00/100 (\$5,250.00).

MOTION carried.

24. Approval of Purchase Requisition:
a. Lakeview Excavating, Inc.

David Koss, Water/Sewer Superintendent, reviewed the purchase requisition to move the lead on 22 Mile Road and stated his recommendation to approve.

Public Portion: None

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MOTION by DUNN seconded by OLIVER to authorize the payment of the purchase requisition to Lakeview Excavating Inc. for the total amount of Five Thousand Five Hundred Twenty Four Dollars and 00/100 (\$5,524.00).

MOTION carried.

25. Approval of Purchase Requisition:
a. SLC Meter Service

Deleted

PARKS & RECREATION DEPARTMENT:

26. Request to Award Contract to Mow Township Park Properties.

Deleted

BOARD COMMENTS:

28. Supervisor's Comments
a. Request permission to Authorize Legal Counsel to defend the Township in Biondo v Macomb Township.

Supervisor BRENNAN reviewed the request.

MOTION by MEERSCHAERT seconded by MALBURG to authorize Legal Counsel to defend the Township in Biondo v Macomb Township.

MOTION carried.

- 28b. Adoption of Resolution; Notice of Intent to Bond; Water/Sewer 23 Mile Road.

Supervisor BRENNAN reviewed the request to publish notice of Intent to Bond the 23 Mile Road Sewer Rehabilitation Project.

Public Portion: None

MOTION by DUNN seconded by BUCCI to adopt the Resolution of Notice of Intent to Bond 23 Mile Road Rehabilitation Project and authorize the publication.

NOTICE OF INTENT RESOLUTION
LIMITED TAX GENERAL OBLIGATION BONDS

Township of Macomb
County of Macomb, State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan held on the 10th day of April, 2002, at 7:00 o'clock p.m. Eastern Daylight Time.

MACOMB TOWNSHIP BOARD MEETING MINUTES
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AT 7:00 P.M.

PRESENT: Members: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci, Jr., Janet Dunn, Kenneth Meerschaert Jr., Charles Oliver.

ABSENT: Members: None

The following preamble and resolution were offered by Member DUNN and supported by Member BUCCI.

WHEREAS, the Township of Macomb, County of Macomb, State of Michigan (the "Township") intends to provide for the issuance and sale of limited tax general obligation bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount no to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying the cost of acquiring and constructing additions, extensions and improvements to the Township's Water Supply and Sewage Disposal System (the "Projects"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the *Macomb Daily*, a newspaper of general circulation in the Township.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO ELECTORS
OF THE TOWNSHIP OF MACOMB OF INTENT
TO ISSUE BONDS SECURED BY THE TAXING
POWER OF THE TOWNSHIP AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the Township Board of the Township of Macomb, Macomb County, Michigan, intends to issue and sell limited tax general obligation bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying the cost of acquiring and constructing additions, extensions and improvements to the Township's Water Supply and Sewage Disposal System.

Said bonds will be issued in one or more series as shall be determined by the Township Board and each series will mature in annual installments not to exceed thirty (30) in number, with interest rates to be determined at public or private sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE BONDS shall be payable from the general funds of the Township lawfully available for such purposes including property taxes levied within applicable statutory and constitutional limitations. However, it is the intent of the Township to pay all principal and interest payments on the bonds from revenues derived from the operation of the Township's Water Supply and Sewage Disposal System.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITIONER IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

3. The Township board does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the Township's taxpayers and electors of this Township's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

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4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: DUNN, BUCCI, MEERSCHAERT, OLIVER, KOEHS, MALBURG, BRENNAN.

NAYS: Members: NONE

RESOLUTION DECLARED ADOPTED

Township Clerk
Michael D. Koehs

MOTION carried.

29. Clerk's Comments

Clerk KOEHS stated that 6 new precincts have been officially created in the Qualified Voter File and that new registration cards will be mailed out to every voter Mr. Koehs also informed the Board that the new Temporary Employee has been hired and has been doing a wonderful job.

30. Treasurer's Comments

None

31. Trustee's Comments

None

EXECUTIVE SESSION:

27. Macomb v Benzel, et al

Deleted

ADJOURNMENT

MOTION by MEERSCHAERT seconded by MALBURG to adjourn the meeting at 8:12 P.M.

MOTION carried.

John D. Brennan, Supervisor

Michael D. Koehs, Clerk

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Eva M. Mayer, Recording Secretary

EMM